

Circuit Court.

Court met at 9 a. m. yesterday when the following proceedings were had:

John W. Burress vs. Pettis county bank; plaintiff files a substituted petition and a motion for the appointment of a referee.

Martha E. Smith, et al., vs. Gid T. Barrick, an ejectment suit; plaintiff files a reply of consent.

F. D. Bronson, et al., vs. W. F. Burcham, et al., suit on an account; defendant files an application for a continuance.

Joseph Hyde vs. Pacific railroad, damage suit; defendant files motion to strike out parts of the petition.

Philander Stephens vs. Frank Voga, ejectment suit; dismissed for want of bond.

John R. Skinner vs. Pacific railway, damage suit; defendant files motion for security for costs.

Sedalia Democrat company vs. W. K. Taylor; motion to dismiss appeal sustained and judgment according.

City of Sedalia vs. F. A. Sampson; cause dismissed by plaintiff.

Home Lumber Co. vs. Hendricks & Jeffries; dismissed by plaintiff.

Jas. M. Allen et al. vs. Easton & Demuth; answer withdrawn; judgment for \$22.76.

City of Sedalia vs. Conrad Hilderbrand; plaintiff files notice of appeal.

City of Sedalia vs. Andrew Lafferty; plaintiff files notice of appeal.

Rice, Stix & Co. vs. C. H. Rider; judgment for \$108.95.

The Sandwich Manufacturing company vs. R. M. Atwood; judgment rendered on note for \$248.

Alice Fickes vs. Samuel Fickes; divorce. Alice was granted a divorce as Samuel did not appear and put in any objection.

Henry Reed vs. Mary Reed; divorce. Default.

The court yesterday was engaged in hearing, before the court, the case of Sarah E. Bradley, et al., vs. James Cook. This suit involves the title to the land where the town of Smithton stands. This eighty acres was entered by Lucy A. Price. In 1853 Mrs. Price and her husband sold the eighty acres to her brother, Thomas W. Edwards, on July 18, 1853, and was put in possession of the property. In 1857 Edwards sold the land to W. E. Coombs. The next year Mr. Coombs laid out the town of Smithton.

The plaintiffs reside in the state of California and are the only heirs of Lucy A. Price. The defendant purchased a town lot of W. E. Coombs.

The plaintiffs claim that Argelon Price died in April, 1875, and Lucy A. Price died in 1877, and that her deed to Edwards is not acknowledged and is not binding.

The defence plead the statute of limitation and that the deed was corrected but was not filed after correction.

The case was called several terms ago in the circuit court of Pettis, when the defendants applied for a change of venue on the strength of their affidavit, that the prejudice existing in Pettis county would not allow them a fair trial. The change was granted and the case sent to Lafayette county. When the case was called at Lexington it was agreed to send the case back to Pettis and try it before the court.

Yesterday when the case was called the defense again asked for a change of venue based on an affidavit that the judge was prejudiced against them. The change was granted and John Montgomery, jr., was elected special judge to try the case, which is before the court.

Sarah Wager vs. Pacific railroad; dismissed by plaintiff. This suit grew out of the death of David Wager, engineer, who went through a bridge and was drowned in the Osage river several years ago.

D. I. Holcomb vs. W. C. Weiler; appeal from justice; continued.

Elizabeth Wagner, administratrix, vs. B. F. Gledhill, suit on note; plaintiff files an amended petition.

Richard Ritter vs. Boston Underwriters Insurance company, garnishee of L. D. Alexander; demurrer taken up and heard and the court took time to render a decision.

T. T. Eubanks vs. H. Grey et al.; dismissed.

Farmers' Insurance company vs. M. M. Lampton; dismissed as to Lampton; judgment against S. H. Stewart for \$413.

W. R. Ford vs. John Schreiber; heard by the court and judgment rendered for \$3.00.

C. A. Whitescarven vs. Anna Felix; marriage of defendant reported to the court.

J. H. Thompson vs. Waddy Thompson; continued.

R. D. Budford & Co. vs. S. N. White; continued.

Beedle & Kelly vs. S. N. White; dismissed as to Stewart and defendant has lean to file amended petition.

Vincent & Johnson vs. Cyrus Newkirk; continued by consent at defendant's cost.

J. R. Gode vs. John McRory; dismissed.

John W. Leftwich vs. H. B. Scott; dismissed.

Hiram Thornton vs. J. D. and J. W. Marsh; plaintiff files motion to dismiss for want of sufficient bond; defendant files bond. Bond and motion overruled.

Waddy Thompson vs. Jacob Hirsh; continued.

Waddy Thompson vs. T. H. Thompson; continued.

Samuel Bowman Distilling company vs. Henry Daunn; R. C. Sneed withdraws as attorney in the case; cause dismissed.

J. M. Sparks vs. Missouri Pacific railway; dismissed. Sparks got on the wrong train at Union depot in Sedalia. When the train was one mile away the conductor stopped the train and let Sparks fly out of his own free will. He sued for damages.

F. C. Maynard vs. John R. Skinner, continued.

Pacific railway vs. Morris Solleran, et al., defendant, Morris Solleran withdraws exceptions to the report of condemnation.

John R. Skinner vs. Pacific railway, by agreement of parties plaintiff has forty days after term to file bond for costs.

John B. Van Dyke vs. Pacific railroad, continued.

T. K. Barley vs. City of Sedalia, writ of prohibition, motion sustained as to mayor's message and overruled, otherwise respondents excepts.

Warren V. Galbreath vs. John Newton, special tax; defendant files motion for new trial.

Abel Hoover, et al., vs. I. N. Baker, notes, cause taken up for trial; jury waived, cause heard and finding judgment for plaintiff for \$50.

George E. Nesbit by his next best friend, H. C. Sinnett, vs. Wm. Smith, damages, ready jury, cause taken up for trial.

Jasper Williams vs. John Schackelford, eject; plaintiff files reply.

John S. Paxton vs. Missouri Pacific railway, appeal, continued by consent.

W. W. Cole vs. Sedalia Foundry company, special tax; continued by consent.

Cyrus Newkirk vs. John Pohl, et al., replevin, dismissed by plaintiff.

Dexter A. Smith vs. T. D. Smith, note; dismissed by plaintiff with leave to withdraw note; sued on leaving copy.

John Gibson, et al. vs. Chas. W. Clark et al., note and account, cause taken up for trial, heard and finding judgment for plaintiff for \$227.95 on first count and on second count for \$122.35. Total \$350.30.

Wm. Schotten & Co., vs. Norton, Brink & Co., account, judgment by consent for plaintiff for \$243.27.

Kendall, Bayle & Co., vs. L. S. Norton et al., account, judgment by consent for \$104.

D. E. Davis vs. Z. H. Rymett et al., appeal, motion heard and sustained and judgment accordingly.

Man, account, defendant files a motion for a new trial.

Morris Sullivan vs. First National Bank. Cause taken up for trial tried.

Daniel Butcher vs. Henry Willis, replevin. Deposition filed by defendant.

State ex rel, Priest vs. James M. Jones. Taxes. Plaintiff files proof of publication judgment by default and final for plaintiff on first count \$24.40, second \$319.37, third \$153.20 and fourth for \$92.20.

John Murray vs. Sallie A. Rhodes

et al., eject, ready. Jury waived on trial, plaintiff asked leave to amend, amendment allowed on terms to be fixed at final trial and this cause to be continued generally, after amendment is made until next term.

Louis Monsees vs. James M. McClellan. Equity. Plaintiff files proof of publication.

"ROUGH ON ITCH."

"Rough on Itch" cures humors, eruptions, ringworm, tetter, salt rheum, frost-bite, chilblains.

A Worthy Appointment.

By a circular issued by the receivers for the Texas Pacific railway dated January 9th, the information is promulgated that Frank Trumbull, formerly of Sedalia, has been appointed auditor for the receivers of this road with headquarters at Dallas, Texas.

The many friends of Mr. Trumbull in Sedalia will rejoice to learn of his merited promotion. From boyhood to manhood he has been steady, faithful and true to himself, his friends and employers and that he will be a success in his new position there can be no doubt.

"ROUGH ON CATARRH."

Corrects offensive odors at once. Complete cure of even worst chronic cases, also unqualified as gargle for Diphtheria, Sore Throat, Foul Breath. 50c.

Two Young Prisoners.

For a long time railroad officials and employes have been considerably annoyed by boys mounting the trains as they arrived at the depot. They have often warned the young scamps but neither this nor the fact that several of their number have been injured and one killed have tended to abate the nuisance. Yesterday afternoon as the 3 o'clock passenger train was hauling up at the station, two boys, Willie Jackson, colored, and James Swergin, white, about twelve years old, mounted the train and rode until it stopped, when Officer Payne nabbed them and escorted the frightened prisoners to Judge Snyder, who fined them \$3 each and sent them to the cooler, but afterwards granted them a stay of execution on a promise of good behavior.

Horsford's Acid Phosphate

IN SEASICKNESS.

S. S. Parker, Wellington, O., says: While crossing Lake Erie I gave it to some passengers who were seasick, and it gave immediate relief.

Ludicrous Predicament.

The following from the Sedalia Democrat of July 18, 1884, while Mr. Heard was seeking the nomination for congress and only seven days before the convention convened in Sedalia: "Since that we have become friends."

* * * "That after the adjournment of the legislature in which Senator Heard killed the printer's bill, he came to the office of the Democrat and told the manager that from the time of the conversation had at the capitol when Heard refused to call up the bill, he (Heard) had not been able to sleep because of the misunderstanding between himself and Mr. Russell. And he then drew out his handkerchief and cried and sobbed like a child for nearly fifteen minutes, making a pitiable exhibition of himself that would have been ludicrous but for the weakness manifested."

In denying the truth of the statements made in regard to his actions, Mr. Heard has only added another chapter to the deceit, hypocrisy and duplicity exhibited by him throughout the matter, and the public will, by reason of our exposition, see him in his true light.

If the whole transaction from beginning to end does not stamp John T. Heard as a man false to his promises and to his best friends, and one who cannot be trusted, then we will acknowledge that all our opposition to him is wrong."

PRETTY WOMEN.

Ladies who would retain freshness and vivacity. Don't fail to try "Wells' Health Renewer."

Stray Notice.

Taken up by R. B. Ellison, and posted before Joseph Moore, a justice of the peace in Smithton township, of Pettis county, on the 16th day of November, 1885, the following described property, viz: One red steer, one red brindle steer, one roan heifer, each one year old, without brands or ear marks. Appraised at forty dollars. 1-12w3d

Advice to Mothers.

Mrs. Winslow's Soothing Syrup should always be used for children teething. It soothes the child, softens the gum, allays all pains, cures wind colic, and is the best remedy for diarrhoea. Twenty-five cents a bottle. 7-23coddwly

Obituary.

Little Lee Walter Corey died at the residence of his parents, Mr. and Mrs. Jno N. Corey, on West Jefferson street yesterday at 2 o'clock p. m. He had been ill for some time with tubercular meningitis and although the best medical skill was called to his relief yet, as was said above, it was unavailing, and death relieved his sufferings. Little Lee would have been eleven months old, had he lived until next Sunday, and was indeed a child of unusual beauty and intelligence. His disposition was rarely sweet and even strangers were drawn to him by irresistible chords of affection. Pure and innocent and tender, however, baby Lee has been called home, and no after sorrow can disturb him, as he sleeps on the bosom of One who loves him with an infinite love. The funeral will take place tomorrow afternoon at 2 o'clock from the Southern Methodist church, cor. Third and Massachusetts streets.

Dear little Lee, has left us like a flower That opens sweetly at the morning's breath, And yet doth close before the noon-day hour, Because of kisses from the lips of death.

STRUCK BY THE CARS.

Three Men Instantly Killed Near Independence.

Early yesterday morning a rumor reached this city to the effect, that during the night three men had been killed near Independence. Upon investigation the following particulars were obtained: Three section men, Ed Christopher, Tom Lyon and John McLaughlin, were walking along the track on this side of Independence, on their way to that city, when they discovered a work train on the track. By this time they were nearing a switch. It appears the work train was crossing the switch, or had stopped within a few feet of it, but be this as it may, the east bound passenger train at this juncture was approaching the spot at full speed.

The men, not being aware of the approach of the passenger train, were by this time between the two tracks, the distance between which was just enough to allow the trains to pass each other.

When the passenger train reached the switch, it swung around the curve and struck the three men on their heads, killing them almost instantly. The mangled remains of the unfortunate men were picked up and carried to Independence, at which place the funeral services will be held to-day.

LATER.

From passengers arriving here from Lexington last night the following particulars were learned:

The remains of the three men killed Monday evening on the railroad track near Independence lay this morning in the Pacific depot at that place. Yesterday morning the friends of the deceased and those curious to behold the terribly mangled remains filed in and out of the depot. The coroner at 10 o'clock called a jury and commenced the inquest.

It appears the three men were section hands near the small station at Cusenberry Springs, one and a half miles west of Independence, where one of them, John McLaughlin, got drunk. When struck by the train the other two men, Ed Christopher and Tom Ryan, were supporting the drunken one on each side on his way home from Independence. About 10 o'clock, as the engineer of the east-bound freight train neared the depot at Cusenberry station, he blew his whistle to warn several men, whom in the darkness he could indistinctly see ahead. They evidently heard the whistle, as they jumped off the track and on to the other. Passenger train No. 45, west bound, was rounding a curve at that place at the time and came thundering down on the men, striking and throwing them many feet in the air. The train was immediately stopped and run back and the bodies found. They lay several feet distance from one another, terribly mangled.

Nothing new was developed at the inquest yesterday and a verdict was rendered in accordance with the facts, no blame being attached to the Missouri Pacific Company, in whose employ they were. The bodies were turned over to their friends and will be interred to-day. The men were Irish and in the prime of manhood.

HEARD'S LETTER.

A Lengthy Review of the Situation and Answer to the "Bazoo."

He Could not Endorse Russell for Postmaster While They Were Enemies,

Even if it Was the Will of the Democratic Party of Pettis County.

An Intended Electioneering Document Which Fades Into Very Thin Air.

WASHINGTON, D. C., Jan. 5, 1886. —EDITOR BAZOO: It is not my intention to enter into a controversy with you on the subject of the appointment of a postmaster for Sedalia any further than to correct you in some of your misstatements, as published in the editorial in your issue of January 3d. That I stated to different persons, during the last summer, that I would not recommend Mr. Russell is probably true; for at that time he was my enemy, and doing what he could against me. Under such circumstances no one would expect me to recommend or to cease to resist his appointment. Mr. Russell is not now my enemy, and it is my duty, as I see it, to consider his claims as I do those of other candidates. I believe that Mr. Russell is the choice of a majority of the democrats interested in the conduct of the office, and on that ground solely I shall recommend him.

I don't intend being led into a discussion of Mr. Russell's course toward me, further than to say that whatever wrong he has done me I believe he regrets, and I am able to forgive. The interests of the democratic party in our city and county could not be advanced by keeping alive a feeling of bitterness and personal enmity between Mr. Russell and myself, and I believe that most members of said party who feel no personal interest in this postoffice contest, and who are not unrelenting enemies of either Russell or myself, were glad when our enmity ceased. It is hard to understand why, if men are really my friends, they desire to see me have enemies when I can avoid it without sacrifice of principle. I think that to most persons who know you and me, and who also understand your bitter hatred of Russell, it will occur that the interest you manifest in my course in this matter, proceeds less from your friendship for me than from your hatred to Russell and the newspaper with which he has been connected.

One word with reference to your allusion to what I told Mr. McNeess about the strength of his support. If Mr. McNeess authorized the statement published by you, he was mistaken in my language. I did not say "that his petition covered a majority of the moral and substantial democrats of the county." I said to him, "your petition is a very strong one, and represents many of the most substantial and moral democrats of the community, but I am satisfied that Russell has a stronger following, embracing more of the active party workers." I am sure Mr. McNeess does not intend to misrepresent me, but his misunderstanding makes me reflect upon the character of the support, not only of Russell, but of all the candidates except McNeess. I don't intend being drawn into any quarrel with Mr. McNeess or his friends, most of whom, I am sure, are also my friends.

Permit me further notice of your article to say that I "ignore no friends," that the wrath of enemies "may be appeased," as you flippantly charge. In my honest judgment, Mr. Russell has a stronger support in his party than any one of his competitors, and on that conviction I base my action. If I did not so believe I certainly would not be foolish enough to recommend him; for no representative, aside from his duty to serve the majority, as he interprets its expression, can afford, as a matter of policy, to array himself with the minority against the more popular side. From your standpoint I should recommend only someone who had never been against me, and that I am at liberty to choose the candidate for recommendation, applying only the test of his past and present attitude towards me personally. If so, then why have any expression from the people at all? And since we have an expression, and I being responsible to the people for the rectitude of my action, to be permitted to interpret that expression, or shall some one else do it for me? I have better opportunities for judging of the strength of the support given the different candidates, having all the papers, letters, etc., before me than you have, and I am as good a friend to my party and to the public as you can claim to be. I must, therefore, decline to permit you to direct my course in this matter, and it is my misfortune if I lose your friendship simply because I can forget an injury personal to myself and because I refuse to adopt your spites and pun-

ish your enemy. In one of your editorials in the paper hereinabove referred to, you say the Bazoo has no fight to make on Mr. Russell, &c. Of course this statement will deceive nobody. You have only ceased to fight him since you found out that your opposition can't defeat him, and you transfer the fight to me, because you think you may be able to defeat me. I think you will find that the democratic party of the city and county will be as loth to adopt your spite against me, as I was disinclined to permit it to control me, in my conduct towards Russell. Outside of the close personal friends of each of the respective candidates, the great body of our party, and of the people, generally, feel no interest in the decision of this postoffice question, further than to secure a good postmaster; and while each and every democrat affected by the appointment has his personal preferences between the different aspirants; yet, loving the success of his party, his greatest desire is to see the appointment of that one, whose success will most solidify and strengthen that party. I believe that the appointment of Russell will accomplish that end. I don't think that any man doubts that Russell has as much, if not more strength than any other one candidate. That he is as consistent a democrat as any in the field, none will deny, and on the score of party service, it will not be contended that any other contestant is his equal. That all of the gentleman named in connection with this place, are fully competent to discharge the duties of the same, will be conceded; and there is not one of them who would not make an acceptable and popular official. These things being true, why should I not consider them, and, to the best of my ability, act with judicial fairness between the parties, and with an eye single to the faithful discharge of a most disagreeable, but none the less imperative duty.

There is not one among the competitors of Mr. Russell whom I would not have a right to claim as a friend, and whom I would not just as cheerfully indorse for this place, if I believed he were the choice of my party; and in honesty and fairness, no one of them has any more right to complain of my indorsement of Russell, than he, or Russell would have had, if I had indorsed any other one of the number. It is, perhaps, true, that some of them might not have become candidates but for the enmity then existing between Russell and myself; still, unless some of them have a stronger following than Russell they certainly can't complain of being injuriously affected by the reconciliation of Russell and myself. As I have stated, I don't think that any one of them have it.

Now, Mr. Editor, in conclusion, let me say that, with this communication, I shall have done with this subject so far as concerns its discussion through your paper. I have refrained from the use of slang epithets; for I think their use never justifiable, and at long range—cowardly and contemptible. When you state through your paper, or otherwise, that I have acted with "perfidy," or in bad faith towards anybody in this matter, you state that which is false; and I think that everybody who knows us both, will so believe. Finding your spite against Russell unavailing, you now undertake my political annihilation because I refuse to subscribe to the doctrine of "eternal hate," and decline to be an instrument in your hands for the perpetuation of your personal animosity to a man who is now my friend. Permit me to say that with the democrats of Pettis county, I think you will find that you have taken a good bad contract. They have known me longer than they have known you; and they never yet saw me fail in the performance of my political duty; and they will have confidence to believe that, in this instance, while I may make a mistake, I will not intentionally wrong my party, or do violence to the right of any individual member of it.

Very Respectfully,
JNO. T. HEARD.

"ROUGH ON PILES."

Cures Piles or Hemorrhoids, Itching, Protruding, Bleeding, Internal or other. Internal and External Remedy in each package. Sure cure, 50c. Druggists.

LOANSON LAND In Pettis Co., \$1,000 and upwards. Special inducements. BOTHWELL & JAYNES, Attys. Porter's Building. 12-20d&w3m

Perfect Sight.

As thousands can testify, there is nothing so much to be desired as perfect sight and perfect sight can only be obtained by using perfect spectacles. C. G. Taylor, our home optician, exercises great skill and patience in fitting those needing spectacles with care and comfort to the wearer. 12-11dft.

A CARD.

To all who are suffering from the errors and indiscretions of youth, nervous weakness, early decay, loss of manhood, &c., I will send a recipe that will cure you, FREE OF CHARGE. This great remedy was discovered by a missionary in South America. Send a self addressed envelope to the REV. JOSEPH T. INMAN, Station D, New York City. 7-3coddwly